

The articles were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: 4-27-61. Consent—claimed by Olin Mathieson Chemical Corp., and relabeled.

6494. Omin Plus iron phosphate tablets. (F.D.C. No. 44210. S. Nos 85-709/11 P.)

QUANTITY: 6 tins of Lot No. 41701, 7 tins of Lot No. 41702, and 4 tins of Lot No. 41703, each tin containing 25,000 tablets, at Fishkill, N.Y., in possession of Omin Co., Inc.

SHIPPED: Between 2-11-59 and 2-16-59, from Worcester, Mass.

LABEL IN PART: "Private Formula * * * Omin-Plus * * * Iron (Ferric) Phosphate 67 mg. (160% MDR)."

ACCOMPANYING LABELING: Streamers entitled "How Red Is Your Blood * * * Omin Plus," "Tired? Got That Worn-Out Feeling * * * Take Omin Plus," "Tired? Worn-Out? * * * Omin Tablets"; circular entitled "Omin Vitamins Omin Plus"; and charts entitled "Human Factory."

RESULTS OF INVESTIGATION: Analyses showed that the article contained approximately (Lot No. 41701) 55 percent, (Lot No. 41702) 58 percent, and (Lot No. 41703) 55 percent of the declared amounts of iron.

LIBELED: 2-11-60, S. Dist. N.Y.

CHARGE: 502(a)—while held for sale, the accompanying streamers, circulars, and charts contained false and misleading representations that the article was adequate and effective for the prevention and treatment of that tired, worn-out feeling; would restore pep and energy and make one feel better; would produce an adequate supply of red, healthy blood; that the article contained properties necessary to control and maintain proper glandular secretions and chemical functions of the human body; and that the article would serve to control and maintain proper functions of all glands and other organs and the metabolic processes of the human body to enjoy health.

The libel alleged also that the article was misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: 7-29-60. Default—destruction.

6495. Vitamin D in a soybean oil base. (F.D.C. No. 44191. S. No. 76-777 P.)

QUANTITY: 3,760 100-capsule btls. and 338 500-capsule btls. at Portland, Oreg., in the possession of Fred Meyer, Inc.

SHIPPED: Between 8-21-59 and 10-15-59, from Santa Monica and South Pasadena, Calif., and Newark, N.J.

LABEL IN PART: (Btl.) "Certified Capsules Lecithin with Vitamin D Dosage * * * Distributed by Fred Meyer, Inc., Portland, Oreg. Each Capsule Contains: Soy Lecithin 259.2 mg. Soy Bean Oil 170.2 mg. Vitamin D 150 USP Units (Irradiated Ergosterol)."

ACCOMPANYING LABELING: Placards entitled "Stay Alive Longer! Lecithin" and newspaper clippings of advertisements placed in a Portland newspaper by Fred Meyer, Inc., reading in part "Lecithin As Advised by Lelord Kordel," and "Stay Alive Longer Lecithin."

RESULTS OF INVESTIGATION: Investigation indicated that the product was vitamin D in a soybean oil base. The article was shipped in bulk as described above, and after arrival at Portland, Oreg., was repacked and labeled by the Stanley Drug Products, Inc., and then delivered to Fred Meyer, Inc.

LIBELED: 1-20-60, Dist. Oreg.; amended libel 8-11-60.

CHARGE: 502(a)—while held for sale, the accompanying labeling contained false and misleading representations that the article was adequate and effective for the prevention of fatigue, irritability, brain fag, and nervous exhaustion; that it nourished brain cells and supplied motive force; that it would restore depleted brain power and waning activity of vital organs; and that it would prevent globules from settling on the artery walls or infiltrating the liver; 502(a)—the term "Lecithin" in the labeling designated for this article—e.g. "STAY ALIVE LONGER! LECITHIN * * * As Advised by LELORD KORDEL," created a false and misleading impression in the minds of prospective purchasers since the term "Lecithin" as used in the promotion of the article was thereby associated with false and misleading information disseminated to the public in a book and a series of newspaper articles by said Lelord Kordel entitled "Stay Alive Longer," which appeared in a Portland newspaper commencing October 22, 1959, to the effect that lecithin-containing capsules are effective in the treatment and prevention of atherosclerosis; pale and drawn face; nervousness; weak, jangly nervous system; insomnia; irritability; nervous, mental, and glandular overactivity; exhaustion; loss of vitality; loss of cerebrospinal fluid; nerve and gland exhaustion; nervous breakdown; headaches; brain fag; senility; tension; shattered nerves; depleted brain power; waning activity of vital glands; depletion of fatty myelin sheath of nerves; sexual decline; and fat infiltration of the liver and other organs; and would create a strong nervous system, endocrine glands, muscles of the heart and kidneys; would neutralize body poisons of internal and external origin; would prevent fat from settling on artery walls; and would restore life forces; and 502(a)—the name of the article and the label declaration of amounts of soy lecithin and soybean oil in the article were misleading in that they represented and suggested that these ingredients were present in therapeutically significant quantities whereas the lecithin and soybean oil in the article were therapeutically insignificant.

DISPOSITION: 11-18-60. Fred Meyer, Inc., claimant, having consented to the entry of a decree without admitting the allegations of misbranding, judgment of condemnation was entered and the article was released under bond for relabeling.

6496. Vitamin products. (F.D.C. No. 44902. S. Nos. 41-771 R, 42-301 R, 42-308 R, 42-310/3 R, 42-315/6 R, 42-318 R, 42-320 R.)

QUANTITY: 2 cases of 96 160-tablet btls. of *yeast and iron tablets*; 4 cases of 96 200-tablet btls. of *Multi-Mineral tablets*; 6 cases of 96 200-tablet btls. and 3 cases of 96 100-tablet btls. of *vitamin A and D tablets*; 1 case of 168 50-capsule btls. of *vitamin A, B₁, D, G capsules*; 4 cases of 96 100-tablet btls. of *vitamin B complex tablets*; 5 cases of 6 600-tablet btls. of *vitamin A and D and B₁₂ tablets*; 4 cases of 96 120-capsule btls. of *Junior Multi-Vitamins-Mineral capsules*; 3 cases of 108 45-capsule btls. of *Geratric Multi-Vitamins-Mineral capsules*; 34 cases of 12 8-oz. btls. of *liquid vitamin for infants and children*; and 4 cases of 144 60-tablet btls. of *cold tablets with vitamin C*, at Oakland, Calif.

SHIPPED: Between 7-31-57 and 7-15-60, from Freeport, Ill., by W. T. Rawleigh Co.

LABEL IN PART: (Btl.) "Rawleigh's Yeast and Iron Tablets"; "Rawleigh's Multi-Mineral Tablets"; "Rawleigh's Vitamin A and D Tablets"; "Rawleigh's Vitamins A, B₁, D, G"; "Rawleigh Vitamin B-Complex Tablets"; "Rawleigh's